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OFFICE OF PETITIONS

Patent No. 6,936,469 : LETTER REGARDING
Issue Date: August 30, 2005 : PATENT TERM ADJUSTMENT
Application No. 09/815,981 : AND
Filed: March 22, 2001 : NOTICE OF INTENT TO ISSUE
Atty Docket No. 24601-416B : CERTIFICATE OF CORRECTION

This letter is in response to the "LETTER REGARDING PATENT TERM ADJUSTMENT PURSUANT TO COMMENT 43 OF THE FINAL RULE" filed September 30, 2005. Pursuant to patentees' duty of good faith and candor to the Office, patentees indicate that the Patent Term Adjustment calculated by the Office may be longer than appropriate.

The request for reconsideration of patent term adjustment indicated in the patent is **GRANTED**.

The patent term adjustment indicated in the patent is to be corrected by issuance of a certificate of correction showing a revised Patent Term Adjustment of zero (0) days.

On August 30, 2005, this application matured into U.S. Patent No. 6,936,469, with a revised patent term adjustment of 16 days. Patentees disclose that there may be more applicant delay than indicated regarding the Request for Continued Examination (RCE) filed on March 30, 2004 in response to the Final Rejection mailed September 30, 2003.

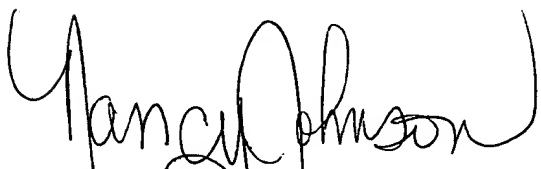
Patentees are correct. Pursuant to § 1.704(b)¹, the period of adjustment should have been reduced by 91 days for the period beginning on December 31, 2003, and ending on March 30, 2004.

In view thereof, the patent should have issued with a revised patent term adjustment of zero (0) days.

As this letter was submitted as an advisement to the Office of an error in Patentees' favor, the Office will not assess the \$200.00 application fee under 37 CFR 1.705(b). The Office thanks patentees for their good faith and candor in bringing this to the attention of the Office.

The application file is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction in order to rectify this error. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by zero (0) days.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.



Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

¹ A quick review of the application history reveals further bases for reduction. However, no further review of the calculations is necessary to conclude that the instant patent should have issued with a patent term adjustment of zero (0) days.

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 6,936,469 B2

DATED : August 30, 2005

INVENTOR(S) : deJong et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by (16) days

Delete the phrase “by 16” and insert – by 0 days--